

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

McAFEE, INC., a Delaware corporation
f/k/a Network Associates, Inc., d/b/a
Network Associates, Inc.,

Plaintiff,

v.

TERRY W. DAVIS, an individual; and
DOES 1 through 10, inclusive,

Defendants.

Case No. C 07-03529 JW

**STIPULATION FOR ENTRY OF
DISMISSAL AND CONTINUATION OF
COURT JURISDICTION; ORDER
THEREON**

IT IS HEREBY STIPULATED by and between Plaintiff McAfee, Inc. and
Defendant Terry W. Davis as follows:

1. The Counter-claim for Breach of Contract filed by Defendant Terry W.
Davis shall be dismissed with prejudice, with each party to bear own costs and attorney's fees.

2. The parties agree to submit to the continuing and exclusive jurisdiction of
this Court to adjudicate any disputes between them that arise out of relate in any way to the
interpretation or enforcement of their confidential settlement pursuant to California Code of Civil
Procedure 664.6. In the event such a dispute arises, the dispute shall be submitted to the Court for

1 resolution by noticed motion pursuant to California Code of Civil Procedure 664.6. Any ruling or
2 decision rendered by the Court in connection with such a proceeding shall be converted by the
3 Court into a final judgment.

4 **IT IS SO STIPULATED AND AGREED.**

5 Dated: May ____, 2008

6
7 By: Terry W. Davis, an individual

8 Dated: May 12, 2008

MCAFEE, INC., a Delaware corporation

9
10 By: Stephen R. Thompson
11 Its: Vice President, Deputy General Counsel

12 **APPROVED AS TO FORM:**

13 Dated: May ____, 2008

NOLAN, ARMSTRONG & BARTON LLP

14
15 By: _____
16 Thomas J. Nolan
Attorneys for Defendant Terry W. Davis

17 Dated: May ____, 2008

BOURDETTE & PARTNERS

18
19 By: _____
Philip C. Bourdette
Attorneys for Defendant Terry W. Davis

20 Dated: May ____, 2008

STEIN & LUBIN LLP

21
22 By: _____
23 Michael F. Donner
Attorneys for Plaintiff McAfee, Inc.

24
25 **ORDER**

26 **IT IS HEREBY ORDERED that:**

- 27 1. The foregoing stipulation is approved in its entirety.
28 2. The Counter-claim for Breach of Contract filed by Defendant Terry W.

1 resolution by noticed motion pursuant to California Code of Civil Procedure 664.6. Any ruling or
2 decision rendered by the Court in connection with such a proceeding shall be converted by the
3 Court into a final judgment.

4 **IT IS SO STIPULATED AND AGREED.**

5 Dated: May 8, 2008

6 Terry W. Davis
7 By: Terry W. Davis, an individual

8 Dated: May __, 2008

MCAFEE, INC., a Delaware corporation

9
10 By: _____
11 Its: _____

12 **APPROVED AS TO FORM:**

13 Dated: May 12, 2008

NOLAN, ARMSTRONG & BARTON LLP

14
15 By: Thomas J. Nolan
16 Thomas J. Nolan
Attorneys for Defendant Terry W. Davis

17 Dated: May 7, 2008

BOURDETTE & PARTNERS

18
19 By: Philip C. Bourdette
Philip C. Bourdette
Attorneys for Defendant Terry W. Davis

20 Dated: May 12, 2008

STEIN & LUBIN LLP

21
22 By: Michael F. Donner
23 Michael F. Donner
Attorneys for Plaintiff McAfee, Inc.

24
25 **ORDER**

26 **IT IS HEREBY ORDERED that:**

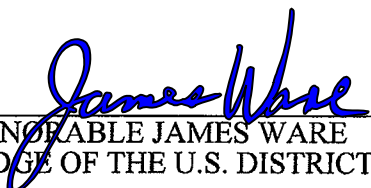
- 27 1. The foregoing stipulation is approved in its entirety.
28 2. The Counter-claim for Breach of Contract filed by Defendant Terry W.

1 Davis is hereby dismissed with prejudice, with each party to bear own costs and attorney's fees.

2 3. The Court hereby retains continuing jurisdiction to adjudicate any disputes
3 between the parties that arise out of relate in any way to the interpretation or enforcement of their
4 confidential settlement pursuant to California Code of Civil Procedure 664.6. In the event such a
5 dispute arises between the parties, the dispute shall be submitted to the Court for resolution by
6 noticed motion pursuant to California Code of Civil Procedure 664.6. Any ruling or decision
7 rendered by the Court in connection with such a proceeding shall be converted by the Court into a
8 final judgment.

9 **IT IS SO ORDERED.**

10 Dated: May 20, 2008

11 
HONORABLE JAMES WARE
JUDGE OF THE U.S. DISTRICT COURT

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Transamerica Pyramid, 600 Montgomery Street, 14th Floor, San Francisco, California 94111. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On May 13, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**STIPULATION FOR ENTRY OF DISMISSAL AND
CONTINUATION OF COURT JURISDICTION; ORDER
THEREON**

in a sealed envelope, postage fully paid, addressed as follows:

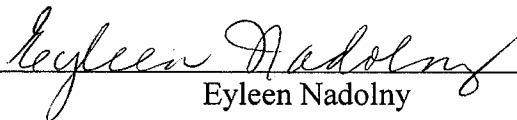
Thomas J. Nolan
Nolan, Armstrong & Barton LLP
600 University Avenue
Palo Alto, CA 94301

Phillip C. Bourdette
2924 West Main Street
Visalia, CA 93291

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 13, 2008, at San Francisco, California.


Eyleen Nadolny